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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,427	02/19/2000	John Marks	10991105-1	1388

22879 7590 08/24/2004

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EXAMINER
HO, THE T

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/507,427	MARKS ET AL.	
	Examiner	Art Unit	
	The Thanh Ho	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 May 2004* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 19-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 19-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This action is in response to the amendment filed 5/25/2004.

2. Claims 1-17 and 19-21 have been examined and are pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4, 8-11 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldszmidt U.S Patent No 6,195,680 in view of Fernstrom U.S Patent No. 6,389,473.

As to claim 1, Goldszmidt teaches the invention substantially as claimed including a system comprising a local application sharing logic (network interface of server 320, Fig. 3d) coupled to a local application (321, Fig. 3d), said local application sharing logic (network interface of server 320, Fig. 3d) configured to receive events to be shared (multimedia streaming files, lines 51-52 column 12) from said local application (321, Fig. 3d) with a corresponding remote application (354, Fig. 3d); transmit locally generated events (video and audio clips are streamed from standard

HTTP Web server 321, lines 14-15 column 13) to said remote application (354, Fig. 3d). Goldszmidt does not explicitly teach echo events and recording echo event times.

Fernstrom teaches a system of transmitting data packet wherein echo events are generated and inserted with the data packet and being sent to a receiving node (flags RF which may be inserted or added at any place inside a data packet which is being forwarded to a receiving unit, lines 20-22); transmission of echo event is recorded via an echo event transmit time (recorded when sending the data packet to the receiving node, lines 20-22 column 4) and receipt of the returned echo event is recorded via an echo event receive time (...if a receiving unit changes its status from ready to receive messages to not ready to receive messages, it will transmit a special state byte having the meaning, that the station is not any longer ready to receive any more data packets on the connection link..., lines 28-40 column 2); pace the transmission of locally generated input events in accordance with an the echo event receive time and the respective echo event transmit time (...the sending station receives status byte within a predetermined time period after the beginning of the transmission of the data packet. If such an acknowledging status byte is not obtained, the sending station decides, that the connection line is not usable any longer..., lines 42-47 column 2). It would have been obvious to apply the teachings of Fernstrom to the system of Goldszmidt because this allows the sending node to control the flow of data to the receiving node after receiving the data received knowledge from the receiving node as disclosed by Fernstrom (lines 27-49 column 2; lines 10-27 column 4).

As to claim 2, Fernstrom further teaches transmitting echo events at predetermined intervals (predetermined time period, lines 42-44 column 2).

As to claim 3, Goldszmidt as modified further teaches receiving echo events (video and audio clips are streamed from standard HTTP Web server 321 to client 350, lines 14-15 column 13, fig. 3d); and transmitting said echo events (client 350 begins decoding and rendering the file transferred from the server, lines 27-32 column 13) to said remote application (354, Fig. 3d).

As to claim 4, Fernstrom further teaches calculating a difference of the echo event receive time and the respective echo event transmit time (...the sending station receives status byte within a predetermined time period after the beginning of the transmission of the data packet. If such an acknowledging status byte is not obtained, the sending station decides, that the connection line is not usable any longer..., lines 42-47 column 2).

As to claim 8, it is a method claim of claim 1. Therefore, it is rejected for the same reason as claim 1 above.

As to claim 9, it is a method claim of claim 4. Therefore, it is rejected for the same reason as claim 4 above.

As to claim 10, it is a method claim of claim 2. Therefore, it is rejected for the same reason as claim 2 above.

As to claim 11, it is a method claim of claim 1. Therefore, it is rejected for the same reason as claim 1 above.

As to claims 15-16, they are system claims of claims 1-2, respectively. Therefore, they are rejected for the same reasons as claims 1-2 above.

As to claim 17, it is a system claim of claim 1. Therefore, it is rejected for the same reason as claim 1 above.

4. Claims 5-7, 12-14 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldszmidt in view of Fernstrom, and further in view of Black U.S Patent No. 4,942,540.

As to claim 5, Goldszmidt as modified does not explicitly teach generate a message. Black teaches generate a message for an application (generate a message as the external modem speed and display this in the Define/Review Environment interface). It would have been obvious to apply the teachings of Black to the system of Goldszmidt because this allows the system to present the user the actual speed of the in-use modem.

As to claim 6, Black further teaches the message is a pacing meter (external modem displayed in Fig. 2 shows different speeds).

As to claim 7, Black does not explicitly teach the meter utilities color to indicate the difference. "Official Notice" is taken that both the concept and advantage of providing for a meter with different color LEDs is well known and expected in the art. One example of such teaching is external modem wherein a row of LEDs with different color is used to indicate the data download speed of that modem. It would have been

obvious to include color into the meter of Black because it would present the actual speed of the modem to the user.

As to claims 12-13, they are method claims of claim 5. Therefore, they are rejected for the same reason as claim 5 above.

As to claim 14, it is a method claim of claim 6. Therefore, it is rejected for the same reason as claim 6 above.

As to claims 19-21, they are system claims of claims 5-7, respectively. Therefore, they are rejected for the same reasons as claims 5-7 above.

Response to Arguments

5. Applicant's arguments filed have been fully considered but are moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to further view the previous rejection. The Examiner conducted a further search regarding the issues mentioned in Applicant's response. Therefore, all arguments regarding the cited references of the previous rejection are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 872 - 9306.
- OFFICAL faxes must be signed and sent to (703) 872 - 9306.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

TTH
August 20, 2004

MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
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